

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-7438**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CLARA MARSHALL LATTIN,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Albert V. Bryan, Jr., Senior District Judge. (CR-94-508, CA-98-435-AM)

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Submitted: December 17, 1998

Decided: January 11, 1999

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Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Clara Marshall Lattin, Appellant Pro Se. Bernard James Apperson, III, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Clara Marshall Lattin filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have sixty days within which to file in the district court notices of appeal from judgments or final orders. See Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on July 7, 1998;\* Lattin's notice of appeal was filed on September 23, 1998, which is beyond the sixty-day appeal period. Her failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of Lattin's appeal. We therefore deny a certificate of appealability and dismiss the appeal. We deny Lattin's motion for production of transcripts

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\* Although the district court's order is marked as "filed" on July 1, 1998, the district court's records show that it was entered on the docket sheet on July 7, 1998. Pursuant to Rules 58 and 79(a) of the Federal Rules of Civil Procedure, it is the date that the order was entered on the docket sheet that we take as the effective date of the district court's decision. See Wilson v. Murray, 806 F.2d 1232, 1234-35 (4th Cir. 1986).

at government expense, and we dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED